

National Enterprise Emergency

Steps Toward an Ecology of Powers

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Abstract

The figure of today's threat is the suddenly irrupting, locally self-organizing, systemically self-amplifying threat of large-scale disruption. This form of threat, fed by instability and metastability, is not only indiscriminate, it is also *indiscriminable*; it is indistinguishable from the general environment. The figure of the environment shifts: from the harmony of a natural balance to the normality of a generalized crisis environment so encompassing in its endemic threat-form as to connect, across the spectrum, the polar extremes of war and the weather. Michel Foucault characterizes the dominant contemporary regime of power, coincident with the rise of neoliberalism, as 'environmental': a governmentality which will act on the environment and systematically modify its variables. Its actions, he emphasizes, are not standardizing since the shift in the figure of the environment has moved it out of reach of normalization. Given the indiscriminateness of the environment's autonomous activity, environmentality must work through the 'regulation of effects' rather than of causes. It must remain operationally 'open to unknowns' and catch nonlinear, transversal phenomena before they amplify the stirrings to actual crisis proportions. What systematicity is this? And: does power's becoming-environmental mean that, politically, we are dealing with natural subjects? Where Foucault's question ends is where, today, we must begin, in light of how the recomposition of power whose dawning he glimpsed in 1979 has since played out. In the context of Foucault's theories of power, the question amounts to asking: is this still 'biopolitics'?

Key words

biopolitics ■ environmentality ■ Michel Foucault ■ governmentality ■ metastability ■ neoconservatism ■ neoliberalism ■ security

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Of War and the Weather

A LEISURELY three weeks after Hurricane Katrina, George W. Bush touched down in New Orleans, into the media swirl of a brief but lavishly staged *son-et-lumière* spectacular from the heart of the French Quarter. His nationally televised address struck the appropriate tone of urgency, in studied contrast to the languor of his practical response. Bush landed on the beachhead of natural disaster not as chief executive of the civilian bureaucracy but in his post-9/11 capacity as commander-in-chief. Help, he assured, was on the way 'by land, by air, by sea' ('President Bush Delivers Remarks . . .', 2005).¹ National Guard units recently returned from Iraq would spearhead the 'armies of compassion' massing. They would be joined by the US Army's 82nd airborne division, fresh from assignment in Afghanistan.

This transfer from an escalating war half a world away to a storm-beaten home-front mid-America drew a link between war and the weather. Their respective theaters of conflict, geopolitical and socio-climatic, fell actively into line. The weather, exceptionally figuring as urban assault force, had taken a prominent place in the spectrum of threat. 'This was not a normal hurricane', Bush reminded us. 'Nature is indiscriminate', a chorus of administration officials had repeated in the preceding days. What was this hurricane if not the full-force expression of nature's indiscriminacy, amplified to the status of a national emergency? Katrina was the meteorological equivalent of the improvised devices then exploding onto the scene of the US effort in Iraq. This hurricane was to the weather what a terrorist insurgency is to 'nation-building'. Each bombing is a self-organized micro-event punctually expressing endemic background conditions of instability. Like the fabled flap of the butterfly wing seeding popular accounts of chaos theory with an ebullition of proto-Katrinats, they can bubble and build, resonating to crisis proportions. Background conditions of instability can feed up the scale, reaching the level where the security dikes are breached, channels of order are swamped, and bulwarks of stability erode and even collapse.

This is the figure of today's threat: the suddenly erupting, locally self-organizing, systemically self-amplifying threat of large-scale disruption. This form of threat is not only indiscriminate, coming anywhere, as out of nowhere, at any time, it is also *indiscriminable*. Its continual micro-flapping in the background makes it indistinguishable from the general environment, now one with a restless climate of agitation. Between eruptions, it blends in with the chaotic background, subsiding into its own pre-amplified incipience, already active, still imperceptible. The figure of the environment shifts: from the harmony of a natural balance to a churning seed-bed of crisis in the perpetual making. This hurricane may well have been abnormal. But it expressed nothing so much as the normality of a generalized crisis environment so encompassing in its endemic threat-form as to connect, across the spectrum, the polar extremes of war and the weather.

Questions. Michel Foucault characterizes the dominant contemporary regime of power, coincident with the rise of neoliberalism, as ‘environmental’: a ‘governmentality which will act on the environment and systematically modify its variables’ (Foucault, 2008: 271). Its actions, he emphasizes, are not ‘standardizing’ (2008: 261). The shift in the figure of the environment has moved it out of reach of normalization. It asserts its own normality, of crisis: the anywhere, anytime potential for the emergence of the abnormal. It has nothing but variables, perpetually churning. What is most relevant about them, from a power perspective, is their threatening tendency to defy the bell-curve. Environmentality as a mode of power is left no choice but to make do with this abnormally productive ‘autonomy’ (2008: 261). Given the indiscriminate-ness of the environment’s autonomous activity, environmentality must work through the ‘regulation of effects’ rather than of causes. It must remain operationally ‘open to unknowns’ (imperceptible stirrings) and catch ‘transversal phenomena’ (nonlinear multiplier effects) before they amplify the stirrings to actual crisis proportions (2008: 261). What systematicity is this?

And: does power’s becoming-environmental ‘mean that’, politically, ‘we are dealing with natural subjects?’ [*end of manuscript*] (2008: 261)

Where Foucault’s question ends is where, today, we must begin, in light of how the recomposition of power, whose dawning he glimpsed in 1979, has since played out. In the context of Foucault’s theories of power the question amounts to asking: ‘Is this still “biopolitics”?’

Foucault defined biopower as an inversion of sovereign power, whose formula was ‘to put to death (or let live)’. Biopower’s formula is to ‘make live (or let die)’ (see Foucault, 1978: 135–8, 2003: 239–42). It seeks to ‘optimize a state of life’ by ‘maximizing and extracting forces’ (Foucault, 2003: 246). What it extracts forces from are ‘aleatory events’ (2003: 246). Biopower, ‘or the power to guarantee life’ (2003: 253), ‘intervenes at the level at which these phenomena are determined’ (2003: 246).

In their pre-neoliberal 19th-century beginnings, mechanisms of biopower construed the level at which aleatory events are determined as one of ‘generality’. Generality was in turn understood in statistical terms (Foucault, 2003: 246), which is to say according to the laws of large numbers. Biopower’s embrace of the aleatory was ‘massifying’ (2003: 243). Although ‘aleatory and unpredictable when taken in themselves’, the 19th-century assumption was that events, ‘at the collective level, display constants that are easy, or at least possible, to establish’ (2003: 246). This made it conceivable that ‘regulatory mechanisms’ could ‘compensate for variations within this aleatory field’ of events, to ‘establish an equilibrium’ or ‘homeostasis’ (2003: 246).

The field within which the aleatory events at issue took place was the population (Foucault, 2007). It was a matter, ‘in a word, of taking control of biological processes of man-as-species and of ensuring that they are not disciplined, but regularized’ (Foucault, 2003: 247). What biopower sought to control was the relations between ‘human beings insofar as they are a species and their environment’ (2003: 245). Biopower’s regulatory mechanisms, although not themselves disciplinary, operated in reciprocity with disciplinary power. Disciplinary mechanisms followed an inverse path, starting from

the species mass of humanity. They took charge of the human multiplicity in order to individualize it, in such a way that the actions of the individual bodies composing the population would conform to norms of conduct. It was the production of normed conduct on the part of individual bodies that made the possibility of establishing 'constants' on the collective level conceivable, if not easy.

Biopower mechanisms would aim to make it easier by taking charge of the aleatory events that might hinder the extrapolation from normed conformity of the individual to mass-level constants. They would do this by regulating the life environment within which disciplined bodies grew at the 'general' level on which those events were determined. The statistical characteristics of the events in question pertained to the biological processes of the population. Together, disciplinary power and biopower covered the continuum 'that lies between the organic and the biological, between body and population' (Foucault, 2003: 253). Their joint field of operation stretched between 'the body as one pole and the population as the other' (2003: 253).

The balance was destined to shift. Biopower sought 'not only [to] manage life but to make it proliferate' (2003: 253). From the time of the physiocrats, making life proliferate has meant making the economy grow. Guaranteeing the passage from individual conformity to collective constants could only limit the dynamism of the economy, which in the 20th century came to be seen as predicated on innovation. 'Innovation, that is to say, the discovery of new techniques, sources, and forms of productivity, and also the discovery of new markets or new resources of manpower' came to be 'absolutely consubstantial with the functioning of capitalism' (Foucault, 2008: 231). To maximize innovation, the norms tended by disciplinary power had to loosen to admit a wider gambit of variation and a quicker turnover of conformities. The loosening was already in the works as biopower joined forces with disciplinary power. Their conjoint operation has changed the very nature of the norm. The norm is no longer given as 'intrinsic to any legal imperative' (2003: 56), or even moral imperative. It comes to be intrinsic to the biological processes of the human-species population and its innovatory evolution, consubstantial with the functioning of capitalism. Thus economized, 'normal' is whatever appears as a statistical constant on the collective level. It is whatever proves to be consistent with generally liveable conditions, factoring in that the conditions are of continual variation. Homeostasis is no longer a stasis. It becomes punctuated, moving from equilibrium to equilibrium, following the movement of the new. Which takes the 'homeo' out of the (non-)stasis as well.

What we are left with, as the global dynamic of the power continuum between disciplinary power and biopower, is the emergent self-organization of punctuated equilibria. Norms themselves emerge, as a consequence. Disciplinary power is no longer an imperative molding in conformity with an a priori moral or legal model. It becomes an adaptive reuptake mechanism for emergent normative variation. This annexes it wholesale to biopower's regulatory operation. The new tenor of discipline resulting from this Foucault names 'normation', as opposed to 'normalization' (2007: 57). When disciplinary power is annexed in this way to regulatory biopower, the mode of operation

of the continuum of power as a whole assumes a new cast. Foucault calls this global mode of operation ‘governmentality’.

It is at this point in his logic of interacting regimes of power that Foucault comes around to asking the question as to whether we are still dealing with natural subjects. Is an economized subject still a natural subject? In *The Birth of Biopolitics*, Foucault’s answer in many passages would on the face of it appear to be no. The neoliberal individual is not the sovereign subject, nor a moral subject, nor the subject of law. It is a ‘subject of interest’, ‘heterogeneous’ to these (Foucault, 2008: 274–6). The question of regulation is now as much about calculations of individual self-interest as it is about population-based biological processes. Calculation of interest, in a changing environment riddled with aleatory events, is a calculation of risks. The form of rationality involved in the calculation of risks is still bound to statistics. But as a calculation in the service of self-interest, it is at least as affective as it is rational. It is as much about pain, for example, as it is about competition and chances of success (2008: 271–7). Pain, in turn, is as much about empathy and antipathy as it is about probabilistic reason. What calculation is this?

Is it certain that the affective ‘calculation’ will not destabilize rationalized regulation? Is it certain that the mode of operation of power will not tip from a rationality to an affectivity? Where now is the ‘bio’ in biopolitics? Is its life environment still governable? Or is a shift taking place to another global mode of operation of power – still consubstantial with what is now neoliberal capitalism – that is beyond both biopower and governmentality? Is the power continuum tipping beyond even the provisional stability of punctuated equilibria into irrevocably far-from-equilibrium conditions? What order is this? Does it still have the rationality of a system? Foucault’s question about nature, as interpreted here, amounts to the question of what new concepts are necessary to grapple with this situation.

The counter-question from which this study departs is: how could the figure of a nonstandard environment, characterized by an ever-presence of indiscriminate threat, riddled with the anywhere-anytime potential for the proliferation of the abnormal, possessed of a threatening autonomy, which power must paradoxically respect in order to act on it, in a world in a permanently critical condition – how could this *not* represent a major shift? To the question of what new concepts are necessary, Bush’s Katrina speech gives the beginnings of an answer: a new concept of nature itself. This is the kind of answer that multiplies the question.

What is it with nature when the continuum of power no longer has the organic individual body and the species-being of the population as its poles, but rather, in a stormy first approximation, war and the weather? What gives if the level at which the aleatory events characterizing the environment come incipiently to be determined is not general, but as singular as the self-amplifying formation of a once-in-a-century hurricane? Would environmentality not move beyond even normation, and the biopolitical mechanisms of power associated with it? These counter-questions redouble the question of the subject of nature, with new urgency and changed valence.

The purpose of the following discussion will be to construct some of the conceptual tools necessary to follow the turbulent power vectors that

'naturally' brought Bush to New Orleans in his capacity of commander-in-chief, and following whose arc the world has since threateningly moved on. In part, it is a preliminary exercise to approaching the issues just broached – of affectivity, rationality and governmentality – working from Foucault after Foucault, as well as from Bush after Bush, through neoliberalism in connection with neoconservatism, and finally, dispiritingly, within an all-encompassing horizon of war.

War Climate

In his address, Bush reinforced the war–weather continuum while at the same time strategically breaking its symmetry: 'In a time of terror threats and weapons of mass destruction, the danger to our citizens reaches much wider than a flood plain' ('President Bush Delivers Remarks . . .', 2005). The generic model of the indiscriminate threat remains, most broadly, the enemy in war. Most broadly here means most intensely: more insistently incipient, more everywhere, potentially. Weather conditions are unlikely to be major formative factors in an IED incident, but a large-scale weather-related disruption may well be enemy-agitated. Drought-induced fires in Greece in the summer of 2007 attracted investigation by counterterrorism agencies. Why? Because no one could say for sure that arson was *not* involved. Given that uncertainty, 'we can say that this truly constitutes an asymmetric threat', said the Minister of Public Order, 'without elaborating' (Paphitis, 2007).² Uncertainty truly determines a threat, prior to any elaboration, to be a potential national security concern.³ In a crisis-prone environment, threat is endemic, uncertainty is everywhere; a negative can never be proven. Positive military response must then be ever at the ready. The on-all-the-time, everywhere-at-the-ready of military response operatively annexes the civilian sphere to the conduct of war. Civilian life falls onto a continuum with war, permanently potentially pre-militarized, a pole on the spectrum. Any domain harboring threats with a potential to disrupt the rhythms of civilian life is similarly annexed, climate included.

The Bush administration formalized this operative annexation of the civilian sphere, in its chaotic interdependence with other self-organizing systemic environments such as the weather, with two reciprocal moves: on the one hand militarizing the National Guard, traditionally defined as a national police force for service in domestic crises, by extending its service overseas to Iraq; and, on the other hand, overturning the long-standing ban on the deployment of US military forces on domestic soil, extending its reach in the inverse direction, toward active duty among its own civilians. This mutual inverse extension of operations betokened the construction of a civilian–military continuum covering the full spectrum of indiscriminate threat. The operational continuum was laced with potential openings for outright military intervention at any point. The openings came in the form of arbitrarily invocable 'exceptions' to such civil guarantees as habeas corpus and the right to privacy.

The aim was to make war response as ubiquitously irruptible as the indiscriminate threats it seeks to counter. The civil sphere would no longer stand outside the military sphere, defined as its opposite. It would become integrally paramilitary, in operative continuity with war powers, on a continuum with them, suffused with battle potential, even in peace.

The continuum, as it expresses itself on the amplified level of government administration, runs between two institutional poles. At one pole stand the many departments and compartments of the US National Defense establishment, and at the other that enduring monument of the Bush administration, the tentacular Department of Homeland Security.

Natural Security

That the Obama administration would prove reluctant or unable to fundamentally reverse this full-spectrum recomposition of power, even while distancing itself from many aspects of Bush administration policy, was unintentionally foreshadowed before Obama actually took office. The press announcement of Obama's national security team contained a telling typo. 'In this uncertain world', the statement read, the continued prosecution of the 'war on terrorism' requires a 'skillful integration' of American power in all its forms (read: on the full spectrum), enabling immediate response to any potential 'catastrophe be it manmade or natural', as well as to 'unconventional' (read: indiscriminate/indiscriminable) threats of any stripe. The public was assured that the future president had assembled the best possible team of 'natural security' officers.⁴

It is more than a slip of the keyboard to naturalize the continuum annexing the civilian sphere to the military. The 'naturalization' at issue should not be understood in the social constructivist sense, in which the cultural comes to be taken for natural. The formula of the cultural 'taken for' natural leaves the opposition between the two intact, attributing any blurring of the boundaries to mystification. Under indiscriminate threat, the opposition is no longer generally tenable and cannot be taken as a starting point. A base redefinition of nature is required outside any categorical opposition to the cultural, social or artificial. The overall environment of life now appears as a complex, systemic threat environment, composed of subsystems that are not only complex in their own right but are complexly interconnected. They are all susceptible to self-amplifying irruptive disruption. Given the interconnections, a disruption in one subsystem may propagate into others, and even cascade across them all, reaching higher and wider levels of amplification, up to and including the planetary scale. The complexity of the interdependency between the changing climate system, food supply system, energy supply system, social systems, national governments, their respective legal systems, and military-security apparatuses is an increasingly preoccupying case in point.

Each subsystem harbors endemic threats specific to its operative domain. Each is also haunted by the exogenous threats represented by flow-over effects from neighboring subsystems. In spite of this diversity and

variability, the relation of each subsystem to threat is isomorphic. This means that threat operates analogously regardless of the empirical characteristics of domain, the specificity of its elements, and their particular functional structuring in the workings of a given system (see Deleuze and Guattari, 1987).⁵ This is as much a journalistic observation as a philosophical assertion. Let *Newsweek* (30 April 2009) speak. ‘Disease and Terror’, screams the headline:

The similarities between the swine flu and biological terrorism are not coincidental. In recent years the world has changed in ways that have made the threats of natural and man-made epidemics more and more alike. As we deal with increasing prospects of a bioterrorist attack, we are also struggling with the challenge of emerging diseases. . . . The way these threats unfold – and the responses they call for – are becoming ever more similar. The central driver is the increasingly interconnected world we live in. . . . Diseases now . . . without warning, show up in far-flung towns and cities. . . . It’s difficult to overstate the threat [of bioterrorist attack]. . . . It is virtually impossible to stop or interdict . . . organisms [that] would float as an invisible, odorless cloud, driven by breezes. (Henderson, 2009)⁶

Threat is as ubiquitous as the wind, and its source as imperceptible. It just shows up. It breaks out. It irrupts without warning, coming from any direction following any path through the increasingly complex and interconnected world. The longer it has been that a threat has not materialized, the greater the prospects must be that it will: it is difficult to overstate an indiscriminate threat. It is impossible to stop. Absence makes the threat loom larger. Its form is a priori neither human nor natural. Its form is in the looming, as-yet-undetermined potential to just suddenly show up and spread. Threat is self-organizing, self-amplifying, indiscriminate and indiscriminable, tirelessly agitating as a background condition, potentially ready to irrupt. The potential of threat is already, in the waiting, an incipient systemic disruption. The world did not wait for swine flu pandemic level five to disrupt daily routines, travel and trade.

The etiology is always synergistic. In the web of highly interdependent subsystems, the moment a threat has amplified to noticeable proportions it is already fixing to propagate across the web of interconnections, its effects already prospectively felt. Complex nonlinear causation is the rule, between moments of the event (the outbreak already bringing a foretaste of the disruption of the anticipated outcome) as between systems. The conditions of emergence of swine flu reside as much in the stress of industrial pork farming, the intensive human–pig commerce it necessitates, and the globalized capital market it feeds, as in the ‘natural’ process of viral mutation. The ‘cause’ of the pandemic is an ultimately untraceable nonlinear micro-flow that self-amplified and spread across the planet. The fateful inter-species connection between human and swine (with an avian contribution somewhere in the mix) occurred in a zone of indistinction between species, and between systems (genetics, animal husbandry, economics and the

human practices associated with all three). Global warming is another prominent example. It is intensified by nonlinear feedback between a complex combination of factors. Hardly a day goes by without another ‘multiplier effect’ being discovered. Even if contributing factors, taken separately, may be ascribable as either natural or manmade from the point of view of the classification scheme of a given system, in the synergistic process of their producing an effect they are integrally both and neither (see Latour, 1993).⁷ If indiscriminate threat could be categorized as natural, as opposed to cultural or artificial, it would not be indiscriminate.⁸

Singular-Generic

Indiscriminate threat is generic threat, in a sense of ‘generic’ that has nothing to do with ‘general’. So far is indiscriminate threat from a generality that it deserves a name accentuating its difference: singular-generic.

The singular-generic of threat is the unstable holding-together of divergent possible ascriptions as to the form and identity of the threat in an inclusive disjunction. An inclusive disjunction is the either/or of a number of possible terms belonging to different genera co-presenting themselves in such direct proximity as to stroboscope into what is effectively a both/and. The instantaneity of generic differences coming together is a singular event. More precisely, it is the just-beginning of an event, an *eventfulness* suddenly making itself felt. What is felt is more than the *possibility* of alternate ascriptions. It is also the *potential* for the coming-to-pass of eventualities answering to those ascriptions.

This incipience of an event as yet to be determined, overfull with really felt potential, carries an untenable tension. It strikes like a force. Its intensely problematic *holding-together, of what cannot actually come together*, is unbearable. The tension is unliveable. It must resolve itself. It is a life problem that must play out. The both/and must shake down into one *or* the other. Foreign infiltrator or ‘homegrown’ terrorist? Arson or climate change? Flu or bioterrorism? Accident or attack? If at the moment of impact an assumption is made as to one or the other, any forthcoming response may well prove to have been misplaced by the event’s subsequent unfolding. On the other hand, if at some point in that unfolding a determination is not made, systematic response will fail to develop.

The singular-generic is a compelling charge of felt potential striking with the full force of an indeterminacy that is not a simple lack of determination, but a *determination to be determined* of a coming event, welling into formation.

The problem for systems triggering into operation to field the event is that the charge of indeterminacy that is the birthmark of the event carries across systemic determinations of it, emerging out of the far side of the concerned systems’ fielding, in the form of synergetic effects. The both/and returns. Arson encouraged and augmented by climate change: both/and. A copycat terrorist transposing the foreign onto the home front: both/and. Global warming intensified by feedback effects between human industrial

activity and climate dynamics: both/and. In every case, there is the irruptive event of a threat just showing up, or noticeably crossing a threshold to another. Each onset and transition hits with the force of an attack, and carries across into flow-over effects indistinguishable from one ('the way these threats unfold and the responses they call for are becoming ever more similar'). What begins with an indeterminacy determined to be determined ends by overspilling any system-specific definitions it may have been ascribed in called-for rapid response. What is born in indiscriminate potential returns to it. The life cycle of a threat-event is a nonlinear looping. Its 'cause', complex and non-local. Any ascription earned is pragmatic and provisional, relative to a particular systemic take on the event.

The accident is not one example among others. In today's environment, given the indeterminacy at impact, every event strikes with the self-overflowing attack-force of the accident. The accident is the general model of the singular-generic of threat. Or rather, since the singular-generic is by nature unamenable to any generality, it is less a model than the matrix.

The Universal Accident

The singular-generic of indiscriminate threat must be as carefully distinguished from the notion of a priori as it is from the general. Far from an a priori form of possible experience, it is the force of the formally unbearable, eventfully felt, to formative effect. It is less an ontological foundation than the matrixial strike of an ontogenetic event. Although not an a priori, the singular-generic is universal. It is immanent to all of the contributory operations of the system of systems that is the overall environment, at every point of its complexly differentiated space of operations, and at every moment of their multiple interlooping run-times. It is on-all-the-time, everywhere-at-the-ready. Another name for its 'problematic holding-together of what cannot actually come together' is the accident. The singular-generic of indiscriminate threat is the universal accident of the environment of life.

At the root of what we know and what we are lies neither truth nor being, but the exteriority of the accident. (Foucault, 1977b: 146)

The universal forcefulness of the accident is such that the tiniest local ingression of its indeterminacy actualizes the *conditions* of system-wide crisis. Whether the event of that conditioning amplifies into an actual crisis depends on a panoply of co-factors. The potential disruption that already makes itself felt with the strike of the accident may be absorbed into the system as a perturbation provoking a minor, re-adaptive iteration of a subset of system operations. In that case, the incipient disruption dissipates into a minor reordering that actually feeds the system's positive evolution. On the other hand, the force of the accident may elude evolutionary capture and grow into a full-fledged systemic or even pan-systemic disruption. It all depends on the co-factors with which it enters into complex resonance, within and between systems, as it feeds up in scale. It may amplify to crisis

proportions, fall back into the immanence of the flapping agitation from which it breezily rose, or dissipate into a localized stir. It depends on intra-systemic response abilities and intersystem synergies. Whatever the case, it is always a case of complex co-conditioning.

Anti-Accident

Full-spectrum paramilitary power enters the co-conditioning fray with the mission to act as a synergy dampener: to stanch perturbatory amplification and its intersystem propagation. It continually toggles from one pole of its civil-military operational continuum toward the other, settling preferentially on a setting in between. It moves in lock-step with incursions of threat-potential, adopting forms as generically-singularly charged, and as proteiform in their eventual determinations as those of threat itself. It aspires to the singular-generic. It aspires to supercharge itself with a force of indeterminacy determined to be eventfully determined, as a counter to the accident. Its vocation is to be the *anti*-accident.

The most visible form full-spectrum power takes in pursuit of its anti-accidental vocation is in the role of ‘first responder’. This is power going out to meet the accident in rapid response, at the first flush of an eventfulness setting in. In this role, it takes many forms. The fabled first responder is the most visible figure of the hero in the ‘waging of peace’ against indiscriminate threat.

The Nature of Threat

Given the incipiently pansystemic reach of the slightest strike of threat-potential, it is clearly arbitrary to classify the indiscriminate threat as either natural or cultural in any final or stable way. It is just as unsatisfying, however, to say that it is a cultural phenomenon taken for a natural one as it is to say that it is a hybrid between the two. The singular-generic is logically and ontologically prior to such categories (whose predefinition the notion of hybridity supposes). An alternate strategy is to integrally redefine ‘nature’ in such a way as to include in its potential the incipience of what comes to distinguish itself from it as ‘cultural’.

Define nature as: the universal tendency for arising events to strike with a force of indeterminacy that is so determined-to-be-determined as to drive systemic evolution or breakdown. Nature is then a name for the immanent reality of the accident, as formative force. It is the most singular-generic ascription to which this force is susceptible (bar God).⁹ Defined in this way, the Obama team’s accidental assimilation of ‘national security’ to ‘natural security’ makes perfect sense.

A consequence of this definition is that the more complexly differentiated and uncertain an environment, the more naturally charged it is. Nature’s singular-genericness need in no way be reduced to threat. But in this epoch of the universe (to talk like Whitehead,), from the lived perspective of earth’s peak mammal, indiscriminate threat has become the bell-wether of nature.

Natures Natured and Naturing

It is important to note that this definition of nature does not make any force applied to counter the incipience that is the accident 'cultural'. Like the accident it counters, the anti-accident operates in a zone of indistinction logically and ontologically prior to the applicability of general-level classifications. Under pressure from formative forces, classifiable terms re-emerge, with a difference. All are consequent distinctions, under variation.

To return to the example of global warming, what nature is for meteorology is palpably different since climate change has hit. The complexity of the interdependencies that naturally manifest themselves has vastly increased. Multiplier effects pop up everywhere. Mutual conditioning is the order of the day. Potential amplifications lurk in the slightest contributory factor and, perhaps even more worryingly, in applied counter-forces (witness biofuels, which quickly about-faced from a celebrated global warming 'solution' to a contributory factor, while simultaneously system-hopping into a major perturbation of the world food supply). Nature weathers far greater uncertainty, more widely fielded. The charge of indeterminacy carried in its each emergent event is intensified. Hurricanes wax 'abnormal'. What culture is in relation to its changed meteorological nature undergoes a correlative shift. The force and meaning of its past activity changes in back-projected synchrony with the uncertainty of its future prospects.

What nature is for meteorology is a consequent nature: nature as it appears for a particular system, consequent to that system's pragmatic take on its emergences. Nature comes in plurals. There are as many consequent natures as there are systems capable of wresting a serviceable nature-culture dichotomy from the zone of re-emergent distinction that is nature in the universal singular-generic sense. Nature in the singular-generic is a supercharged proto-territory of distinctions re-arising, of striking singular-generic indeterminacies coming to be particularly determined. Borrowing a Spinozist term, the supercharged proto-territory of emergence may be termed a *naturing nature*. It is a proto-territory in the sense that the reiterative playing out of its formative forcing creates conditions for a plurality of extensive distinctions and their iterative regeneration. The reiteration is due to particular systems fielding successive emergences, that is emergencies, working them out and working them through, each in its own manner.

By extensive distinctions is meant a contrast between terms such that they can be effectively opposed to one another, as mutually external. This renders them juxtaposable, and in turn spatializable or territorializable. Each system internalizes the incursive force of *naturing nature* in the form of iterative variations on its own pattern of operations. The operative distinctions the system must make, to continue to make itself work, vary accordingly. This forced readaptive coupling, this folding together of a patterning of operations and an efficient system of extensive distinctions in co-dependent variation, constitutes a territory: a dedicated, internally differentiated, systemic environment. How 'nature' figures for a territory, as opposed to

‘culture’, is system-specific. System-specific nature is natured nature: naturing nature coming to cultivation; formative force feeding in, working through and being worked over.

Although consequent and cultivated, natured nature is real and effective. It really, effectively figures for the system as given. The system’s operations effectively assume it as a raw material, in passive opposition to what the system takes by contrast to be its own value-adding activity. The system-specific isolation of value-adding activity from passive nature defines what ‘culture’ is for that environment (see Foucault, 2008: 16).

A natured nature is equally produced and presupposed. It has the odd status of the produced presupposition, or cultivated givenness. This is the status Foucault attributes to the ‘object’ of power. The emphasis on natured natures’ operative reality and effective givenness distinguishes this concept from social constructivism’s notion of naturalization. A natured nature is not ‘merely’ constructed. It is both emergent and constructed, as presupposed as it is produced, given for the making and made a given. Its construction is a re-emergent expression of naturing natures’ determination to be determined. Naturing nature is so determined to be determined that it lends itself to consequent definition, even at the price of bifurcating once again into an opposition between passive nature and active culture.

Such an opposition, however, holds sway only provisionally, and only on a derived level. It arises when a system’s operations turn back over on themselves, in order generally to reference the particularities of its own process, in operative self-reflection. The appearance of a passive-nature/active-culture opposition is always a reflexive sign of a particular system’s general self-referencing. It marks: a translation of the matrix of the singular-generic into a particular-general schema; a transduction of the inclusive-disjunctive intensity of an indeterminate, yet determinable, force of irruption, into a serviceable extensive distinction; and a transposition of proto-territory into a territory. ‘Passive’ nature is naturing-nature natured, so as to stand, in a system’s self-adapting, for its evolutionary outside. It is the systematic form in which the outside of the accident is unrefusably found, and reflexively kept, for systemic variation, in reiteration.

Discursus on natures. Foucault, in his account of governmental powers, generates a concept of ‘nature’ answering to the criteria of what is here called ‘natured nature’: ‘Nature is something that runs under, through, and in the exercise of governmentality. It is, if you like, its indispensable hypodermis. It is the other face of something whose visible face, visible for the governors, is their own action. . . . It is not a background, but a permanent correlative. Thus, the *économistes* explain, the movement of population to where wages are highest, for example, is a law of nature’ (Foucault, 2008: 16). Ascribable entities (‘visibilities’ in Foucault’s terminology) are taken for visible markers of invisible laws of nature. The invisibility of the law of nature is the mode in which naturing nature’s ontogenetic imperceptibility, its indiscriminability, formally appears to the system as the correlate of its own functional operations. The laws of nature are the formal mirroring, for the system, of the

system's own pattern of actions. They are the form in which the system internalizes the activity of its outside as its own.

Although the distinction between natured nature and naturing nature is being presented here in the context of the relation between systems normally taken for cultural and the environmental conditions within which they operate, the same distinction holds for what are normally considered 'natural' systems pure and simple. A natured nature is found in 'nature' in the conventional sense whenever the products of a set of operations settle together into a pattern of connection and succession (vibrations, rhythms, accumulations, articulations, reticulations) forming an emergent plane of mutual holding-together possessing a compositional consistency. A natured nature occurs in 'nature' when the results of prior operations become available for re-uptake into follow-on operations indexed to the plane they have composed. As taken back up, they figure as givens for the follow-on operations, whose deployment their givenness conditions. A simple example is a metamorphic rock taken up again by tectonic forces in a new composition forming a geological stratum (upon which more specific territories may delimit themselves, in a further differentiation). Natured nature is 'nature' as self-emergent and cumulatively self-conditioning. In a word, self-cultivating. The planes of natured 'nature' correspond to the levels observed by the natural sciences (physical, chemical, geological, organic, etc.). Naturing nature, in relation to these levels, consists in the energetic conditions continually pumping their holding-together with eventness and transformation. In Deleuze and Guattari's account of natural composition these levels of natured nature figure as 'strata' capturing energetic conditions of change and internalizing them as the motor of their own ongoing patterning. Naturing nature figures as the unpredictable, change-bringing, singular-generic 'mechanosphere' running under, in, and through the strata, cutting into them and across them, sweeping them up in a continued movement of ontogenesis. Deleuze and Guattari's eventful concept of the mechanosphere places the strata of 'nature', in the natural sciences sense, on an occurrent continuum with what are conventionally considered 'cultural' strata. 'There is no biosphere or noosphere, but everywhere the same Mechanosphere. . . . There is no fixed order. . . . The apparent order can be reversed, with cultural or technical phenomena providing a fertile soil . . . for the development of insects, bacteria, germs, or even particles. . . . It's even worse nowadays: you can't tell in advance which stratum is going to communicate with which other, or in what direction. . . . There is no lesser, no higher or lower, organization' (Deleuze and Guattari, 1987: 69). There is no realm of nature 'pure and simple'. There are no 'laws of nature', except in Foucault's sense of the formal self-mirroring of specific systems of operation in holding pattern on constitutionally mixed strata of the sort conventionally deemed 'cultural'. The concept of a 'nature-culture' continuum is developed at length throughout *Anti-Oedipus* (Deleuze and Guattari, 1983) as well as in *A Thousand Plateaus* (Deleuze and Guattari, 1987).

Force of Time

The proto-'territory' of naturing nature is, in its own activity, more insistently temporal than distinctly spatial. Its everywhere-ness forecuts any

possibility of it having a specifiable territory of its own. It occupies an intensive ‘zone’ of spatial indistinction. Having no territory of its own, naturing nature can only ‘give’ of itself, to various territories’ systemic self-organizing. What it gives is a charge of indeterminacy to-be-determined, which strikes with driving force. Its ubiquitous ‘zone’ of indistinction is the universal ‘before’ of a coming to emerge. Its proto-territory is the force of time, just making itself formatively felt. The force is only determinately felt in the consequent form of its effects. The native tense of the force of time is a universal will-have-been: a will-have-been felt, for the forming, followed by a will-have-been formed for synergized on-flow and over-spill, tending toward a limit of pancatastrophe (see Massumi, forthcoming, b).¹⁰

Ontopower

When threat becomes ubiquitously generic, and the generic makes itself singularly felt, with effectively indeterminate formative force, toward an irruptive impulsion that is immanently conditioning, driving potentially pansystemic disruption and reordering, it becomes the bellwether of naturing nature for the complex, crisis-incubating environment of life. Preemptive power directly follows.

An anti-accidental exercise of power, at whatever setting on its operational continuum, can only counter the event-driving force of the accident if it catches it in the before of incipience. To do this, it must move into that proto-territory. It must move as the accident moves, to where it may irrupt, catching it ‘before it actually emerges’ (as the Bush doctrine of preemption instructs). It must come as ‘naturally’ as the enemy. It must give of itself just as insistently. It must mimic the accident, in operative anticipation of the actual playing out of its potential effects. It must preempt.

Dampening accident-amplification is not enough. An alternate growth pattern must be planted on the proto-territory. Full-spectrum power preempts threat by counter-producing its own systemic effects in its stead, in a supplanting of incipience. Its business is to induce potentially systemic counter-effects through an alter-emergent incursion of change-conditioning force of nature. Preemptive power is the cuckoo in the nest of naturing nature (see Massumi, 2007, on preemptive power as emergently counter-productive).

Preemptive power is environmental power. It alters the life environment’s conditions of emergence. It is not, however, a ‘biopower’ strictly speaking. Biopower’s ‘field of application’, according to Foucault, is a territory, grasped from the angle of its actually providing liveable conditions for an existing biological being. Preemptive power operates on a proto-territory tensed with a compelling excess of potential which renders it strictly *unliveable*. It turns on an incursive surcharge from which life’s iterations are obliged to wrench their re-emergent formation. It targets an unliveability impelling a potential more of life to come. As a power, it does not correlate to the normative species-being of a population. It correlates to its singular re-emergence. In his post-Katrina speech Bush indicated as much. He did

not say, as might have been expected, that his emergency measures were aimed at bringing life back to *normal*. He said that they were aimed at 'bringing life *back*'.

An environmental power that returns to life's unliveable conditions of emergence in order to bring it back, redirecting its incipience to alter-emergent effect, is an *ontopower*. Ontopowers rejoin naturing nature's force of emergence, to ride it out, and even hijack it. Full-spectrum preemptive power is a mode of ontopower that hijacks naturing nature's force of emergence by counter-mimicking the accident.

In more familiar political vocabulary, a term that can be used for full-spectrum preemptive power is neoconservatism. This word usage is itself a supplanting. For what is meant by neoconservatism used in this sense is not an historically specific group of individuals advancing a particular political project. In this context, it refers to more than Dick Cheney and Donald Rumsfeld and their allies, working from the Ford administration through Reagan and the Project for a New American Century and finally in the George W. Bush administration to realign US foreign policy on full-spectrum preemptive power. It refers to the tendency their actions expressed. It refers to the momentum impelling the tendency beyond this particular cast of its carriers' exit from the scene. Understood in this way, neoconservatism is a *process* carrying the force of naturing nature through history in a certain mode defined by the dynamic of the anti-accident. Each particular expression of this tendency in an explicit political project will suggest, in consequence of its playing out, extensive nature–culture distinctions for territorialization (it will produce a natured nature). The tendency itself, however, is a powerful rejoining of nature on its own naturing proto-territory. Neoconservatism, understood in this way, is an intensification of the *nature* of power.

Process

A 'process', in the terminology suggested here, is different from a system. It takes as its field of application ('where it implants itself and produces its real effects'; Foucault, 2003: 28) not the ground of a territory but the accidental groundlessness of the proto-territory. It does not settle into guarded and reproduced extensive distinctions. It starts in the striking simplicity of inclusive-disjunction, passing eventfully through system definition, only to overspill any and all acquired determinations ascribed to it, in the end complexly rejoining its inclusive-disjunctive conditions of emergence, with an added difference (consequent to actually having come to pass). Process refers to this life cycle of potential, from its incursion, or what Whitehead calls its 'ingression', to its 'satisfaction' in an actually effected transformation. The coherence of a process is that of tendency, feeding back on itself in such a way as to generate always another difference. A process is fluctual. It is essentially unstable.

A system, on the other hand, is an emergent, provisional stability arising at the cross-roads of processual tendencies whose formative force it

siphons into its own self-organizing. A system feeds back on itself in order to settle things for itself: in order to settle a territory. Its mode of coherence is self-reproductive. Its operations feed back on themselves in the interests of their own conservation. What this means is that a system is self-referencing. Certain system operations may take other operations as their objects. There may emerge from this operative self-referencing a second order self-organizational, figuring in a pilot capacity on a derived level of functional self-reflection.

Both process and system are reiterative. Processual reiterations, however, are difference-referenced. They are alter-referenced. The tendency is directed toward an effectively added variation. A system's reiterations, by contrast, are self-referenced. The tendency is toward regaining or preserving a provisional stability. Variation is again the rule, but it arises as by-product of self-preservation. It is adaptive. The adaptability of the system depends on the evolution of a second-order self-referencing (which, once it arises, is operationally inseparable from first-order operations, or those considering themselves to act upon an object).

A system is not the opposite of a process. System is a mode of expression of process. It is a self-stabilizing expression of ingressive potential's determination to be determined. A system embodies a processual tendency toward self-preservation (adaptive self-reproduction). Both process and system involve positive feedback. Thus neither a process nor a system can be accounted for without accounting for the nonlinearity of its causality.

If a system is territorializing, a process is de-territorializing – starting from and returning to the exteriority of the universal accident.

There are many systems, as many as there are natured natures. There is, however, but one process. That one process, which is naturing nature, holds the multiplicity of re-emergent tendencies in inclusive disjunction. In view of this immanent multiplicity, it is admissible to speak of 'a' process among others when referring to the life cycle of a tendency, bearing in mind that no one tendency ever expresses in isolation. An incursion of processually formative force always brings more than one tendency into incipient expression. It is this coming-together that must eventually play itself out.

In the playing out of the tension of what cannot hold together, having come together, tendencies compete with each other. One may dominate another. A given tendency may end up monopolizing the production of difference. Many tendencies will fail to fully express. More creatively, a new capacity for actually holding together may emerge from the playing out. A symbiosis has been invented, immanent to process's unfolding. Systems also vie and mutually adapt, in their own ways. The complexity of the playing out of processual tendencies and their systemic expressions, in the eventfulness that is the overall environment of life, demands an ecological approach. All the more so as there is a tension and interplay between system and process, exponentially raising the degree of ecological complexity.¹¹

Infra-colonization

Neoconservatism is the process whereby naturing nature comes to be militarized, along the full spectrum. Emergence is militarized, at the same time as the military is politicized, making civilian life a degree on the continuum of war. War is no longer the continuation of politics by other means. Politics is an intensity setting on the continuum of war. Neo-conservatism, as the term is used here, is the nonlinear onrush toward dominance of this processual tendency to monopolize naturing nature for battle potential.

The neoconservative power of the anti-accident occupies the proto-territory immanent to all life's extensions. It is infra-vital. Incoming, extending upward, through and outward. Its immanence to life is also, indiscriminately, the imminence of death: the threatening actualization, everywhere and at all times, of the conditions of emergence of life crisis.

The proto-territory occupied by the anti-accident is at life's operative limit. It is where life re-beginning loops into such short-circuited proximity to its end that they stroboscope into a both/and so rhythmically taut, so compellingly tense, so indiscriminably intense, as to strike with undetermined force. Its coming carries a singular-generic imperative: reactivate or die.

Bare Activity

Activation is a word for the leading edge of incoming event at this intensive limit of life. Bare activity is another word for it. 'Bare' not as in stripped-down, but as in 'barely': barely there. Activation is the just barely-there of a generically life-challenging event singularly stirring, as yet unextended and already overfull, carrying any consequent extension and all extended qualities, in welling potential. It is the barely-there of a compelling 'any-and-all' at the impelling edge of incursion, to be eventfully determined.

This is not Agamben's 'bare life', the life without qualities. Bare life for Agamben (1998) is that life *station* consisting in its stripping down to the animal minimum, excluded by nature from culture and politics. It is life radically emptied, de-qualified, in implosive indifference, held eventlessly in *suspension*. Death in life: potential stillborn. Bare *activity* is the taut *suspense* of a dynamic indeterminacy agitating the field of life's emergence. It is the already imperceptibly astir, readying toward an imperative move into another pulse of life carrying risk of death. The unliveable, impelling life potential (actively including that of death).

Bare activity is naturing nature's own ontopower. It is what neoconservative power preemptively infra-colonizes. The preemptive tendency is to supplant life's emergence, to anti-accidental alter-effect.

Discursus on bare life. For Agamben, bare life pertains to the 'simple fact of being alive'. It is foundationally excluded from politics. It is the life of the animal body (*zoe*) as against the life of the *polis* (*bios*). Corresponding to the voice before language, it is outside the socio-cultural sphere that Agamben

takes to be coextensive with the *logos* of language. Paradoxically, the ‘inclusive exclusion’ of bare life forms the ‘original nucleus’ of political sovereignty. Although Agamben ascribes the logical status of the ‘singular’ to this exceptional state of inclusive exclusion, his concept of bare life remains tethered to the traditional classificatory logic of genus and species, in that what is singular about it is that it marks the starkness of the difference between the human and the animal, as species of the genus of living things. The bare life of the inhabitant of the camp is a human life animalized by being reduced to nothing more than the simple fact of being alive in stark contrast with impending death. The state of exception of bare life replays the specific distinction between the human and the animal (‘presenting it without representing it’). At the same time, bare life’s foundational inclusion, as radically excluded, relegates it to a ‘zone of undifferentiation’ between the two. The proximity of *zoe* and *bios* in the zone of undifferentiation of the original nucleus constitutes a dialectic without synthesis. In the present account, a different ensemble of concepts is mobilized: the ‘singular-generic’ (as a force of becoming *productive* of classifiable differences for the unfolding, rather than presenting a foundational replay of pre-determined classifications); an active ‘zone of indeterminacy determined to be determined’ of life re-arising (versus a zone of undifferentiation reduced to the passivity of pure proximity with death); ‘inclusive disjunction’ as an effective overcharge of multiplicitous tendency (versus the logical, set theoretical, status of the excluded inclusion); and a positively formative force of eventfulness (versus the aporia of dialectic without synthesis). These concepts are designed to displace the discussion onto an ontogenetic proto-territory that does not take such oppositions as body/culture, animal/human, natural/political, private home sphere/public sphere as in any sense foundational, and that suggests a logic of self-organizing complexity rather than one of generic-specific classificatory difference and aporia (Agamben, 1998: 1–10, 24).¹² Here the proximity of life to death is better conceptualized along the lines of Foucault’s discussion of Bichat, as interpreted by Deleuze:

The informal outside is a battle, a turbulent hurricane zone where singular points and the relations of force between them stir in agitation . . . [a] domain of uncertain doubles and partial deaths, where things continually emerge and fade . . . micropolitics. (1988: 121)

The stirrings in this micropolitical zone of emergence are ‘collected and solidified’ into strata, or what in this article are called territories and systems. This collection and solidification involves a step up to higher-level macro systems operating extensive distinctions while remaining in vital touch with the singular-generic zone of their emergence, whose event energies they capture and transduce into their own driving force, in the form of self-adaptive modulations in their operations. A crucial point here is that the strata, in Deleuze’s words, are fundamentally ‘unstable *physical* systems in perpetual disequilibrium’ whose constitutive operations are ‘distinct from any combinatorics’ (1988: 35, 36). The strata achieve provisional stability under conditions of instability, wresting an operative order from the storm of accidental incursions. They are provisionally self-equilibrating expressions of process. Their provisional equilibrium is perpetually disturbed by incursions, and must be

iteratively regained. They are re-self-organizing, in serial becoming. For Agamben, on the other hand, constituted domains of ‘politics’ and ‘culture’ are defined by normative systems of operations analogous to the signifying system as described by structuralism, for which the model of the linguistic combinatoric is fundamental (Agamben, 2005: 36–7). A combinatoric holds the possibility of the generation of permutations in endless series, but is itself invariant. It is defined as a synchronic matrix, which is to say that its definition excludes becoming. It is by definition non-dynamic. The status of an unbecoming, non-dynamic matrix is purely *logical*. The conditions it defines are merely *logical conditions of possibility*. Agamben’s appeal to the structuralist combinatoric, coupled with the foundational exclusion of the animality of bare life, brackets the physicality of systems, and with it the real, potential-charged, naturing-natural event of their emergence. In a word, it brackets their incipience in occurrent bare *activity*. This bracketing of bare activity separates systems from their *real conditions of emergence*. In other words, it separates them from process, as defined here. The effective role of the concept of bare life in Agamben’s work is to consign vitality to conditions of possibility, which are then struck by the aporia of exclusive inclusion. This yields a self-defeating logic purified of the ontologic – better, the ontopower – of the universal accident as singular-generic formative force. Potential’s signature expression is then construed to be the ‘power not-to’: its aporetic self-suspension. This separates potential, at its highest expression, from the ingressive force of the singular, paradoxically making it generic by physical default (leaving it only logically singular, in an aporetic way). Potential’s highest degree is then a degree zero of suspended intensity, as opposed to an *n*th degree of intensity in suspense, as it is held to be in this account. Potential becomes stolidly self-recursive (Agamben’s Bartelby). It loses its aleatory incursive edge, as the bare-active cutting-in of a coming ontogenetic event. The concept of force is, it is true, central for Agamben. But in keeping with the purely logical status he attributes to the singular, the generative force the singular plays on is purely *formal*. It is entirely bound to the concept of the law. The issue is no longer the force of time, but the force-of-law. The force-of-law is ‘separate’ from its ‘applicability’. As applied, the law gives rise to normative effects in the empirical field. The force-of-law is the ‘indeterminate element’ immanent to every effective juridical act by virtue of which the act is endowed with the ‘capacity to command’. The force-of-law is nothing other than the ‘formal essence’ of the law. The effectively generative political event is the imperative indwelling, in the norm-producing act, of the essence of the law. Faced with this generative reciprocity between ‘normation’ and the law, what is singular about the state of exception is that it opens an ‘anomic space’ where the applicability of law is separated from its force. This amounts to ‘radically separating . . . potential and act’ (Agamben, 2005: 35–9). This is a ‘fiction’, but an effective fiction foundational to politics.¹³ Any act of counter-singularity must assume this anomic space. Its act consists in occupying the anomie so as to ‘show’ the fiction. It does this by ‘exposing itself’, and only itself, as a ‘pure means’ of expression which, like the state of exception whose singularity it counter-matches, is without empirical referent. It is a pure act of self-reference, in Benveniste’s structural-linguistics sense. It is a language act. For Agamben, that act is synonymous with life, outside and against the norm. Life, for Agamben, is anomie against

normation. Everything in his political thinking plays between the norm and the law, and between their politically foundational reciprocal presupposition and ‘life’ as equated with language (see Agamben, 2005: 87, 88). Once again, physicality is suspended. The animal is excluded from ‘life’ (if not from biopolitics, which for Agamben is the effective playing out of animality’s excluded-inclusion in the political and cultural spheres). The result is an exceptionalism of the language-endowed. This amounts, effectively, to a supremacy of the human over the animal (as in Heidegger). The perspective developed here refuses to exclude the animal from politics and life, even ‘inclusively’, or to separate in any way human expression from the animality of its body. It refuses to take the law as in any way foundational, or to box life into an alternative between normation and anomie. It resituates life, re-aring as bare activity, in a philosophy of creative nature: nature effectively creative of difference, in an imperative playing out not of the force-of-law but of the force of time. By this account, there is no ‘essential’ participation of the law in generative process. There is no *the* law. There are laws, always on the consequent level of nature. The ultimate concepts are *activity and process*, rather than law and language. Active process is a universal *animatedness*. The classificatory opposition between the human and the animal is in no way pertinent to its concept, even though this animatedness must be counted as physical. The physicality of active process cannot be reduced to animality in the usual sense, for it is inseparable from the immateriality of eventness, tendency, and the lived quality of animatedness that is affect. ‘Physicality’ must be understood in terms of Foucault’s ‘incorporeal materialism’ (1982: 231). Laws, norms, languages must all be re-derived from nature’s physical animation. For laws to take generative effect, they must cycle back through nature’s active process, thence to recollect and resolidify in strata, recaptured by self-organizing systems. The only thing ‘essential’ about them is their derivative status to the accident. The resubmitting of the law to the ‘exteriority’ of the generative accident is necessary to separate (the Deleuzo-Nietzschean) Foucault from Agamben’s (structuro-Heideggerianizing) embrace, around issues of life and politics, and toward a rethinking of biopolitics in its relation to, and contradistinction from, ontopower. The project is for an atheological political philosophy of nature affirmative of the positive potential of generative force, as against the negative theology of an aporetic foundationalism of the law. The philosophy most explicitly articulated on the concepts of activity and process is that of Whitehead. However distant Whitehead’s political thinking may seem from Foucault’s, for an ecology of powers their meeting is only natural (as is the role of Deleuze as go-between).

National Enterprise Emergency

The supplanting of emergence by the anti-accident of full-spectrum preemptive power sows the ontogenetic seed for a Bush-like ‘bringing life back’ with a difference. But if in order to do so preemptive power must mimic the accident it aims to counter, what prevents the anti-accident from becoming its own enemy? What prevents its counteractions from themselves amplifying into a systemic disruption? This is a real danger that neoconservative power faces by nature, and often succumbs to. Bush’s May 2003 declaration

of pre-emptive 'victory' in Iraq announced nothing so much as a protracted, self-amplifying geopolitical crisis that was to propagate to Afghanistan, then to Pakistan, and is still many years and countless lost lives from having played itself out, in spite of the change in US administrations.

If the danger of 'success' is so far-reaching, why risk it? Because the stakes are equally high. Neoconservative power's process does not move alone. It is one half of an ontogenetic couplet. In addition to delivering to territorial systems incipient counter-effects potentially feeding their evolution, it cooperates with another process for which it similarly serves as an ontogenetic delivery system. It entrusts this other process with the job of amplifying its counter-agitations into adaptive modulations of a more or less sustainable large-scale life system. When the feed-forward succeeds, the ubiquity of indiscriminate threat is transduced into an emergent global order. A 'successful' military intervention is just the first flap of a higher-order fanfare. It is worth risking large-scale crisis, losing lives along the way, because the stakes are as far-reaching as they come: nothing less than global. Preemptive power infra-colonizes the environment of life toward the emergence of a macro-process as ubiquitous, as indefinite in reach, and as tententially monopolistic as it is itself.

If there is any doubt as to what process makes the relay, Bush once again makes it clear in his post-Katrina address. Rather than referring to the storm as a natural disaster or a national emergency, he dubbed it a 'national *enterprise* emergency'. Neoconservatism's naturalization of national security activity is one half of a double movement. As power moves into the bare-active realm of emergence to bring life back, life's induced return is met by an economic expansionism that wraps life's re-arising into its own global unfolding.

Preemptive power is a positive power, in the sense of delivering the potential for intersystem enhancement effects. These are maximized when its interventions kick-start amplificatory movements whose nonlinear synergies come in the form of economic multiplier effects. The enterprise aspect of Bush's Katrina response was represented by his strategy of replacing government assistance with outsourcing to the private sector and shunning the shelter of government-planned and government-regulated redevelopment for the gale winds of enterprising investment, following eagerly upon those of Katrina. The aim was less security-assuring than productivity-boosting. It was less a return to the perceived stability of a pre-perturbed normality than a fast-forward into a brave new neoliberal world of unleashed capitalist enterprise. The same impulse was formalized in post-invasion Iraq by a far-reaching series of unilateral decrees issued by Coalition Provisional Authority administrator Paul Bremer starting immediately after Bush's declaration of victory, which radically reorganized the Iraqi economy along neoliberal dream-lines following the IMF's familiar blueprint.¹⁴

Neoliberalism is a sister process to neoconservatism. As it operates in this epoch, it displays a predisposition toward a symbiotic relaying of

incursions of preempted naturing-nature into the economic value-creation. It is amenable to relaying unfoldings of formative force of all tendencies. But it is most adventitiously predisposed to the neoconservative sort, flowing into the generation of profit. Or, more precisely, of economic surplus-value: investment capital feeding back into its own process to produce multiplier effects driving not just growth, but an accelerating rate of growth, carried by a momentum snowballing toward the limit of the exponential. Neoliberalism, as the term will be used here, is the capitalist process turned ontopowerful, in symbiosis with neoconservatism (but also in its own right, for example through technological supplantings of life's incipency driven by purely capitalist concerns, as in the biotechnology industry). The symbiosis between neoliberalism and neoconservatism is not without tensions. Although adventitiously predisposed toward symbiosis, they both rejoin the proto-territory of life, in relay, but also each in its own way. The proto-territory, lacking determinate extension, knows no bounds. Thus both processes are monopolistic. Through their shared unboundedness and differing modes of monopolizing, the two processes are placed in potential conflict.

Beyond Security

Neoliberalism, as a process, does not presume stability. It does not prioritize a stable-state vision of security. In a white paper extolling the virtues of globalized deregulation published not long before his ascension in Iraq, Paul Bremer (2001) cites a poll of American business executives, finding that 68 percent believe that neoliberal policies increase their risks. *Support* for those policies is correspondingly high.

Neoliberalism wrestles with the complexity of an uncertain, neo-conservatizing environment in which risk is not only endemic but is in-expungeable and ultimately unknowable. Far from operating in a securely closed field, it operates in what Michel Foucault calls 'an indefinite field of immanence' in which life falls under the 'dependence' of a 'series of accidents' (2008: 277). The interests of an individual human inhabitant of this environment will depend upon 'an infinite number of things', 'accidents of nature about which he can do nothing and which he cannot foresee . . . linked to a course of the world that outstrips him and eludes him in every respect' (2008: 277). The enterprising individual of neoliberalism is at the perturbing mercy of incursions from an 'uncontrollable, unspecified whole': naturing nature. Nonetheless, from this 'apparent chaos' there spontaneously arise 'positive effects' of convergent order. This spontaneous self-organization is owing to synergies between productive activities of the individual lives unfolding in the universal risk environment. Individual activities automatically and mutually readjust to create a 'directly multiplying' mechanism 'without any transcendence' (Foucault, 2008: 277–8). Neoliberalism operates in a field of immanence whose bare activity, fed-forward and transduced into enterprise activity, amplifies into a self-expanding pattern of economic multiplier effects cresting into an emergent

order. That order, which never transcends its environmental conditions of emergence, is the neoliberal economy as globalizing process. The neoliberal economy is commonly called a global ‘system’. In terms of the present vocabulary, however, this is a misnomer. Neoliberal capitalism values its own exuberantly irrational momentum (to paraphrase Alan Greenspan) over any particular systemic holding pattern. It values ‘creative destruction’ (Milton Friedman) over self-preservation. To mark the difference of the volatile self-ordering of the capitalist process from a system, as defined here, Deleuze and Guattari (1987: 460–73) borrow the notion of the ‘axiomatic’ to describe it.

The neoliberal economy is in a state of enterprise emergency by nature, at every complexly interconnected level, from the local through the national to the global. And it embraces that condition. Its mechanism is to ride waves of *metastability* through the turbulence of a permanently uncertain environment. A metastability is not so much a provisional stability as a wave patterning. Neoliberalism’s metastable order explicitly operates under the uncontrollable dependence of the unspecified accident (and anti-accident). It does not try systematically to shelter itself from the storm. It spontaneously self-organizes following the turbulence of a far-from-equilibrium environment whose immanent agitation never ceases to haunt it with the spectre of its wave-convergent synergies suddenly forking into crisis. Faced with the spectre of catastrophe, it does not turn self-protectively inward. It fully assumes the risks of its ontogenetic outside. A metastable order positively embodies instability. Rather than turning back on itself, it flees forward. It lives out its instability. It is emergent order on the edge, riding the wave-crest of everywhere-apparent chaos. It is not its business to pause to self-reflect. It self-references only as a technical mechanism to boost its momentum (such is the purpose of market indexes). To self-reflect in the systematic sense is to adaptively self-regulate. Neoliberalism is by nature deregulatory. This makes it adaptively challenged – and all the processually stronger for it.

Exception Incorporated

For an edge system born and fed on instability, the perturbation of an ‘abnormal’ accident, even of the magnitude of Katrina, can actually offer a supersized opportunity. A once-in-a-century hurricane is just a ‘natural’ instance of the far-from-equilibrium creative destruction that Friedman asserted to be the driving force of neoliberal capitalism. For that matter, what accident is not abnormal? It is of the very nature of the accident to confound the normal course of things. Under neoliberalism, normativity ceases to be a foundational concern, or even a constitutive factor. The neoliberal tendency is not to mold to the norm, as do systems characterized by Foucault as disciplinary powers. Rather, its tendency is to capture the exception and incorporate it (in both senses of the word).

Neoconservative power actively concurs. It realigns its own process along the axis of exception, in dogged pursuit of operative outs from

instituted limitations on arbitrary exercises of full-spectrum force. It does not incorporate the exception in its own right so much as it precipitates through openings perforating the fabric of the State powers and governmental powers. By ‘State powers’ is meant the interplay of the executive branch of the State with legislative systems and their associated systems of jurisprudence (constitutional, civil code or common law). ‘Governmental powers’ is taken in Foucault’s extended sense of regulatory systems, whether or not they are formally a part of the administrative apparatus of the State, which aim to provisionally stabilize and ostensibly secure the environment of life by ‘rationalizing’ how its teeming population of territoried systems interrelate. The neoconservative outs from State and governmental powers enable anti-accidental strikes to cut in. Neoconservatism’s dedication to preemptive power puts it in a posture of pronounced processual cynicism toward forms of power which delude themselves into operating according to the principle that the overall environment of life, at the mercy as it is of indiscriminate threat, can be effectively rationalized. Neoconservative power’s propensity to take every out it can from the limitations of State and governmental powers also deviates it from regulated disciplinary powers such as the prison system, for which unregulated ‘black sites’ are substituted. This is only natural, given how closely preemptive power embraces the ‘abnormality’ of the accident.

Discursus on State power. Foucault defines neoliberal governmentality as an ‘environmental type of intervention’ in which ‘action is brought to bear on the rules of the game rather than the players’ (2008: 260). It is associated with ‘an optimization of systems of difference, in which the field is left open to fluctuating process’ (2008: 259). The distinction between self-organizing systems determining of differences and fluctual process to which they are constitutively open is integral to Foucault’s definition of present-day governmentality. That governmental action bears on the ‘environmental’ rules of the game evokes an ecological theory of power. Attention is focused less on individual human actors than on the interactions between natural-cultural systems inhabiting an open field of accident-prone co-variation. This shift in the modus operandi of power corresponds to a ‘massive withdrawal with regard to the normative-disciplinary system’ (Foucault, 2008: 260), renegotiating how disciplinary power cooperates on the continuum of powers. ‘State powers’ as used here involves a mix of regimes of power, unique in the case of each actually existing State, between Foucault’s ‘sovereign power’ (the power ‘to put to death or let live’), ‘disciplinary’ power (the normative production of the individual by a collective apparatus operating in self-enclosure) (see Foucault, 1977a),¹⁵ and ‘governmentality’ (regulation of production in an open ‘transactional’¹⁶ field following the formula ‘make live or let die’). Governmentality overlaps with State power but is not reducible to it: it is ‘is both external and internal to the state, since it is the tactics of government that allow the continual definition of what should or should not fall within the state’s competence’ (Foucault, 2007: 109). Governmentality’s extending beyond and encompassing of the State exerts a defining pressure on State power, pushing it massively away from disciplinary power and at the same

time placing it in tension with the arbitrariness of sovereign power. The counter-pull of sovereign and disciplinary powers in response to this centrifugal pressure gives rise to a continual movement of reciprocal reintegration and re-gathering (and at times mutual limitation). This movement of reciprocal reintegration of regimes of power, in its interplay with preemptive and capitalist process, is what defines the contemporary State as a system. A typology of State powers would be based on an evaluation of the tendencies moving through particular actually existing States' signature movements of self-reintegration, as incursively modulated by the formative forces of process. This is an ecological evaluation of evolutionary tendency. It is not a description of a structure, especially not in terms of its statistically average functioning. Whenever process is included in the picture, conceptualization must link any functional description of existing formations to tendency. That is: averaged-out being (functional) to singular rebecoming; the ascriptive 'what' (and 'what for?') to the formative 'how' (as in 'come again?'). The arbitrary outs from State power that preemptive power cuts in reinvent sovereign power, in a manner tendentially unsubordinated to the reason of State which traditionally moderated it.¹⁷

Ontogenetic Couplet

The coupling of neoliberalism with neoconservatism's assertion of the primacy of preemptive power, operating on a full-spectrum paramilitary continuum telescoping war into peace, is largely of mutual benefit. Preemptive power, already an ontopower, gains the cachet of contributing more extensively and metastably to life-productivity. Neoliberalism for its part gains both in intensity and in extension. It gains in intensity by following closely in the wake of preemptive ontopower as it tracks the accident into the immanence of its natural environment. Its incorporation of the emergent effects, accidental and anti-accidental – a distinction that is ultimately impossible to sustain given the effective mimicry of one by the other – gives it a proprietary hold on life's emergence. The neoliberal economy becomes ontopowerful in operative relay with war-in-peace at every setting, from the hardest of the 'hard' of all-out invasion to softest of the 'soft' of data-mining and surveillance. As earlier alluded to, the neoliberal economy already has its own proprietary ontopower in relay with another, in this case technoscientific, system of operations. Following the intensive investment vector of biotechnology, the economy has a direct plug-in to the variational field of life's emergence, from a specifically infra-biological angle (see Cooper, 2008, for the interconnections between emergence, preemptive power and neoliberal capitalism). Piggy-backed on preemption, its ontopowers boost into earth orbit. As its intensification extends globally, technoscience infra-opens life to its forces of capital-value creation.

The traditional model of imperialist colonialism is not adequate to describe the ontopowerful cooperation of the neoliberal economy and neo-conservative power. That view often casts the apparatus of war as a consciously applied device for capitalist expansion. This underestimates

contemporary war, reducing it to the status of a passive tool. It also overestimates the knowability and manageability of capitalism. It treats the capitalist process as if it were a self-reflective system piloted by a second-order level that folds back on its operations self-referentially in such a way as to fulfill hierarchical control functions.

Both the neoliberal economy and neoconservative war power are processes. They are neither integrally self-referencing nor given to hierarchical control. It is not illegitimate to describe them as complex ‘open systems’ if the term ‘system’ is used advisedly. They are perturbatory and amplificatory. As a nonlinear consequence, they are both indefinitely complex, each within its own ambit and even more so in operative relay. Preemptive power is only apparently territorialized in the systematic operations of the military establishment. Its reach, by nature, spills over from that territory toward the civil pole of the continuum. In doing so, its operations extend ubiquitously into the proto-territory of indiscriminate threat. This is a realm that is unviable for the sustenance of any particular system or organization. Preemption’s ontopowerful counter-effects cut away from rationalized State and governmental limitations, to sew themselves into the proto-territorial field of emergence. Supplanting effects then percolate back up through the organized-system levels of State, civil and other systems. These receiving systems are forced to modulate their operations around the incursive force of the event. The only hope they have of effectively adapting is if they find a way of responding to the temporal force of the proto-territory. They do this responding with urgency. The state of emergency is the form in which the singular-generic, formative force of time systemically appears.

Preemptive power’s umbilical link into the proto-territory of emergence gives its process uncontainable, trans-systemic scope. This dynamic uncontainment produces tensions with the military establishment which is war power’s rationally assigned territory. Systematic attempts are made to reign it in. But it always outflanks them. The state of emergency is, after all, a condition of exception. And as Walter Benjamin foresaw, if anything is normal now it is the state of exception. The state of emergency, turned everyday life condition, affords ample exceptional outs from such process encumberments as the international laws of war, internationally instituted human rights and domestic civil liberties.

The exercise of neoconservative power follows its own rhythm. It forms its own preferential relays. It reiteratively varies its processing. It creates its own momentum. It becomes increasingly self-driving. The on-all-the-time ubiquity of its potential deliveries to territorial systems gives it such plasticity that its drive lacks, overall, an ascribable organizational form of its own. It lives up to its vocation to be as indiscriminate, and indiscriminable, as threat. As naturingly natural, process is possessed of an operative autonomy overspilling any containable system of operations. A process abhors closure. A process achieves horizon-expanding lift-off from the institutional territories purporting to contain it. They are its launching pad.

They are conditioning of its trajectory but not, of themselves, determining of it. Preemptive power lives out its nature as process, full-spectrum.¹⁸

The neoliberal economy, predicated as it is on a constitutive openness to the accident, has the same tendential complexity and self-organizing drive. It similarly achieves lift-off from the territories that condition, without containing, its emergent axiomatic order. These territorialities include national and international regulatory institutions; protectionist legislative measures expressing a nationalist dynamic in tension with capitalism's drive toward the global; moralizing formations in ecumenical competition with its globalism, and fundamentally uncomfortable with the processual embrace of the abnormality of the accident it shares with preemptive power; local and regional particularisms threatened by its deterritorializing momentum; and stability-seeking tendencies reacting to its unstoppable exuberance by recoiling into individual-, family- or community-based fortresses of self-protection. The neoliberal economy is a master at finding ways of using these counter-tendencies as a launching pad for its own process (a prime example, in relation to moralizing formations, is the rise of 'prosperity churches' in the United States). At every lift-off, the neoliberal economic process frees itself to further its own process, and to renew its preferential alliance with preemptive power.

The constitutive openness of these two processes to each other is a match made in nature. There is, however, nothing ordained about their inter-looping. Their connection is adventitious, a marriage of historical convenience between two processual autonomies which have happened to form, in this epoch, a mutually reinforcing ontogenetic couplet. This is not to be confused with a structural coupling. This is a processual relay, occurring at a fortuitous intersection of self-driving tendencies.

There is nothing in principle preventing the processes from decoupling, except the bonds of reciprocal strengthening born of their spontaneous convergence. Still, that reciprocity is a mighty force. Its staying power in the face of organized opposition is not to be underestimated. But it is not a destiny. The form of the processual relay naturally readjusts to some degree from one organized transition to another, as can be seen in the transition from the Bush to the Obama administrations. The Obama administration's defense of the Bush era rules of exception, which came as a cruel surprise to many hoppers, indicates a trans-administration tendency to hold the potential for preemption and its economic coupling in ready reserve. Certain legal and regulatory limitations have been applied to them, it is true, and certain wedges inserted between them to loosen their mutual embrace. But these measures should be (and have been) greeted with considerable skepticism.¹⁹ The odds are that the neoconservative/neoliberal ontogenetic power confect is not going away any time soon. Hope aside, it has many accidental adventures, and adventurous anti-accidents, ahead of it.

Notes

1. See: ‘President Bush Delivers Remarks on Hurricane Katrina Recovery’, *Washington Post* 15 September 2005. Unless otherwise noted, all quotes in this section are from this presidential address. For a description of the staging of the event, see Tom Englehart (2005).
2. The Greek government’s allegations of arson were criticized by conservation groups and the opposition Socialist party for not being based on any empirical evidence.
3. For an analysis of the process by which a felt conditional possibility becomes a tautological truism, see Massumi (forthcoming, a).
4. ‘Transcript: Obama’s National Security Team Announcement’, *New York Times*, 1 December 2008, URL: <http://www.nytimes.com/2008/12/01/us/politics/01text-obama.html?ref=politics> (consulted December 2008).
5. On processual isomorphism as an operative identity independent of structure, form and content (and therefore *not* a homology), see ‘Apparatus of Capture’, in *A Thousand Plateaus* (Deleuze and Guattari, 1987). In this chapter Deleuze and Guattari also provide a prescient theorization of full-spectrum war-in-peace, and of the convergence of the capitalist process and the war-powers process (discussed below).
6. Within hours of the news of swine flu, the internet was buzzing with tens of thousands of posts speculating that it was a bioterrorist attack.
7. This point was forcefully advanced by Bruno Latour (1993): the emergent ‘actors’ in today’s world are nature-culture ‘hybrids’. For present purposes, the notion of the hybrid carries the inconvenience of still presupposing as its starting point oppositional definitions of nature and culture, even if only to neutralize the opposition. The strategy that will be followed here (one which Latour would not endorse) is to redefine nature in a way that already includes the potential for ‘culture’, making culture an emergent expression of nature.
8. This is in no way an argument against taking measures against global warming, or a belittling of the fundamental role of human activity in its triggering. Quite the opposite, it is an argument for taking radical measures toward a post-carbon economy constitutionally uninclined toward these kinds of global-environmental synergies. The only post-carbon economy that would meet that description would also be a post-capitalist economy, given that capitalism’s process of self-valorization is predicated not only on perpetual growth but perpetually accelerating growth, posited to be unlimited in principle. This makes capitalism constitutionally unsustainable.
9. Whitehead, for his part, does not bar God. He does, however, define it as the ‘primordial accident’ (1978: 7). Spinoza’s *deus sive natura* holds God and Nature in inclusive disjunction. As discussed below, Deleuze and Guattari develop a similar notion of a ‘nature–culture continuum’, but as a resolutely atheological proposition.
10. On preemptive power and the force of time, see Brian Massumi (‘Perception Attack’, forthcoming, b).
11. On process as nature, see Deleuze and Guattari: nature lived ‘not as nature but as a process of production’ (and passim 1983: 2–5). The account of system in the present article is loosely based on the work of Niklas Luhmann, with certain major deviations pertaining to the principle of ‘operational closure’.

12. My use of ‘undifferentiation’ follows the French translation; it is ‘indistinction’ in the English translation.

13. The preceding quotes are from Agamben (2005: 35–9).

14. For a detailed account of Bremer’s decrees see Juhasz (2006: 185–260). For a history of the IMF’s model of neoliberalism and its imposition on developing nations see Klein (2007).

15. Foucault’s theory of disciplinary power is developed throughout *Discipline and Punish: Birth of the Prison* (1977a), and is returned to in relation to sovereignty and biopower in ‘*Society Must Be Defended*’ (2003).

16. On governmentality as ‘transactional’ see Foucault (2008: 12–13, 297).

17. Foucault defines *raison d’État* as a two-fold limitation on the arbitrariness of sovereign power. On the one hand, the transcendent limitation of higher law:

... the government of the state must obviously respect a number of principles and rules which are above or dominate the state and are external to it. The government of the state must respect divine, moral, and natural laws as laws which are not homogeneous with or intrinsic to the state. (2008: 4)

On the other hand, the becoming immanent of sovereign power to its own field of application in the form of security and regulative mechanisms, pertaining to the control and rationalization of circulation (policing) and of contractual relation (the legal-judicial apparatus), which create the conditions for the emergence of liberal governmentality as a mode of power in its own right (2008: 5–10). Liberal governmentality is animated by a tendency for immanent regulation to assert independence from the State (deregulation). This tendency toward State deregulation in the name of the self-regulation of the economic system, become synonymous with the environment of life, is taken to an extreme under neoliberalism. The process of deregulation, however, is never (and never can be) complete, due to the presence of countervailing tendencies in the ecological field of power. To what extent deregulation can be considered a counter-form of ‘rationality’ to the reason of State, or whether a concept of ‘affectivity’ is needed to grasp its dynamic, is a question that will be left for future exploration.

18. For an analysis of preemptive power’s self-driving dynamism as an uncontained ‘operative logic’, see Massumi (2007). The concept of ‘operative logic’ is a special-purpose variation on Deleuze and Guattari’s ‘abstract machine’, particularly as deployed in ‘Apparatus of Capture’ (1987).

19. For a convincing journalistic account of the unhoped-for continuities between the Bush and Obama administrations on the issue of preemption and the ‘Revolution in Military Affairs’ that sought under Bush to remake the military apparatus in its operative image, see John Feffer (2009). The article argues that the fortuitous arrival on the scene of Somali pirates in 2008–9 gave the Defense Department a conveniently fresh and dramatic figure of the ‘terrorist’ with which to justify significant increases in the military budget in a time of economic crisis, and to further pursue the realigning of the US on full-spectrum ‘strategic flexibility’ and high-tech ‘rapid dominance’ (matching the timing of counter-insurgency response to the time-nature of threat). For examples of the Obama administration’s defense of Bush era exceptionalism, see: ‘Obama Channels Cheney’ (2009; loophole for warrantless wiretapping; ‘a legal stance identical to, if not more aggressive than, the Bush

version . . . that the court-forced disclosure of the surveillance programs would cause “exceptional harm to national security”); ‘Obama to Appeal Detainee Ruling’ (2009; supports suspension of habeas corpus with no appeal; ‘effort to maintain the power to imprison terrorism suspects for extended periods without judicial oversight’); ‘Judge Weighs Dismissing Case Involving Torture Memorandum’ (2009; argues ‘constitutional protections against unreasonable searches and seizures can be overridden’ for national security reasons); ‘Mr Obama and the Rule of Law’ (2009) and Andy Worthington (2009; ‘state secrets’ loophole barring court oversight of rendition, torture, and indefinite imprisonment without charges); William Glaberson (2009a; exceptions to due process for terrorism suspects, including allowing hearsay evidence; ‘military commissions are only beneficial for the government if they make it easier to win a prosecution than it is in federal court’); William Glaberson (2009b; plan to allow indefinite detention without charge on US territory of terrorist suspects who would be subject to Guantanamo-style military commissions operating on domestic soil); implementation by executive order of plan for indefinite detention without charge on US territory (Dafna Linzer and Peter Finn, 2009). The early Obama administration’s strategy has been two-fold: (1) to create administrative rules interdicting suspect practices on the one hand, while the other hand fights to maintain legal loopholes leaving open the potential for the covert employment of these same practices in case of natural security emergency; (2) to normalize exception openly by formally writing into the law or into administrative rules the outs that it exploits, with the ostensible purpose of overseeing it and regulating its excesses. The two strategies together undermine any effective regulation. Although the term ‘war on terror’ ceased to be used weeks into the Obama administration, it continues quietly to be prosecuted, under the less attention-grabbing moniker ‘overseas contingency operations’, and with the main front shifted from Iraq to Afghanistan/Pakistan. Preemptive cross-border attacks into Pakistan continue. The term ‘enemy combatant’ has similarly disappeared, in favor of the more neutral ‘detained persons’. But the legal concept is still very much in place, and necessarily so because the promised closing of Guantanamo could not even be contemplated in the current political atmosphere if the remaining detained persons would fall back into the domestic judicial system with simple accused-criminal status. Rather than being reassuring, the Obama administration’s change in rhetoric comes off with the slightly Kafkaesque effect accompanying all attempts to normalize the paradoxes and contradictions in terms that come with the proto-territory of the exceptional exercise of power. Vice-President Dick Cheney, one of the main advocates of the ‘unitary executive’ principle supporting unregulated presidential powers of exception, snidely predicted in his first major televised interview following Obama’s election that Obama would quickly learn to ‘appreciate some of the things we put in place’ (Barr, 2008).

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